

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Steitz *et al.*
SERIAL NO.: 10/072,634 GROUP NO.: 2683
FILING DATE: February 8, 2002 EXAMINER: Not yet assigned
TITLE: Ribosome Structure and Protein Synthesis Inhibitors

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**PETITION TO MAKE SPECIAL UNDER
37 C.F.R. § 1.102(d) AND MPEP § 708.02 (XII)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII), Applicants hereby petition the Commissioner to make the above-identified patent application special so that it may be advanced out of turn for immediate action.

Accompanying this petition are:

- (a) a Statement Of Facts In Support Of Petition To Make Special by Susan Froshauer, Ph.D., President and Chief Executive Officer of Rib-X Pharmaceuticals, Inc.; and
- (b) a check in the amount of \$130.00 to cover the petition fee pursuant to 37 C.F.R. § 1.17(h).

In view of the statement of facts provided herewith, Applicants respectfully request that this Petition be granted. The Office is invited to contact the undersigned with any questions concerning this paper.

Respectfully submitted,

Duncan A. Greenhalgh
Attorney for Applicants
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

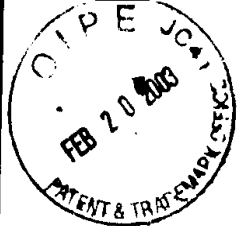
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Attorney Docket No. RIB-005
(79957)

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**STATEMENT OF FACTS IN SUPPORT OF
PETITION TO MAKE SPECIAL**

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Susan Froshauer, Ph.D., am providing this statement of facts in support of a petition to make the above-identified patent application special pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII). I hereby declare and state as follows:

- (1) I am the President and Chief Executive Officer of Rib-X Pharmaceuticals, Inc. ("Rib-X").
- (2) Both Yale University ("Yale") and Rib-X are co-owners by assignment of the above-identified patent application.
- (3) Yale has granted Rib-X an exclusive license to technology disclosed in the above-identified patent application.
- (4) Both Yale and Rib-X are entitled to, and hereby claim small entity status for the application. Yale is a nonprofit organization, and Rib-X is a small business concern.
- (5) Rib-X is a new bioscience company focused on the discovery of new anti-infective agents. The company's drug discovery program is focused on the exploitation of the high-resolution crystal structure of the 50S subunit of the ribosome, to which known antibiotics bind. The company's integrated research program combines a series of approaches including biochemistry, molecular

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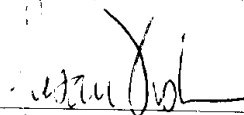
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biology, microbiology, medicinal chemistry, X-ray crystallography and computational chemistry.

- (6) The patent application is a major asset of Rib-X. The patent application relates to the high-resolution crystal structure of the 50S subunit of the ribosome and its use in the development of new anti-infective agents. The technology described in the patent application forms a core technology platform for Rib-X. Furthermore, the patent application and the potential exclusivity afforded by a patent issuing from the application represents a major company asset.
- (7) The development of the technology described in the patent application will be significantly impaired if examination of the patent application is delayed. To date, Rib-X has received approximately \$22 million in private financing. A major consideration of the investors has been the availability and existence of patent protection for the technology described in the patent application. Because drug discovery is expensive, Rib-X plans to secure additional rounds of financing to support the development of the technology. The early allowance of claims in the patent application likely will improve Rib-X's chances of attracting and securing additional rounds of financing necessary to develop the technology further.
- (8) All statements made of my knowledge are true and all statements made on information are believed to be true. I understand that willful false statements and the like are punishable by fine, imprisonment, or both under 18 U.S.C. §1001, and may jeopardize the validity of the application or any patent issuing thereon.

Signed at New Haven, Connecticut, this 12th day of February, 2003.

Respectfully submitted,



Susan Froshauer, Ph.D.
President & CEO
Rib-X Pharmaceuticals, Inc.